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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,788	11/16/2001	Patrice Brissette	38898-0014	7725
7590	02/03/2005			
			EXAMINER	
			WANG, LIANG CHE A	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 02/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/987,788	BRISSETTE, PATRICE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Liang-che Alex Wang	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 November 2001.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/11/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1-16 are presented for examination.

### ***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
  - a. **Information Disclosure Statements** as received on 07/11/2003 is considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6, 8, 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hessler et al., US Patent Number 6,798,748, hereinafter 6,798,748.

5. Referring to claim 1, Hessler has taught a method for processing tandem connection monitoring information in a synchronous hierachic network system (abstract lines 1-6, Col 1 lines 11-16), comprising:

- a. receiving at a network element a frame (Col 2 lines 25-30, Col 1 lines 45-53, frames are transmitted from source network element A to sink network element F)

containing tandem connection monitoring information associated with a plurality of tandem connection trails having trail terminations at the network element

(Abstract lines 1-6, Col 5 lines 20-22, Col 1 lines 11-16, 32-37);

- b. extracting from the frame the associated tandem connection monitoring information for each of the plurality of tandem connection trails having trail termination at the network element prior to processing the tandem connection monitoring information for any of the tandem connection trails having trail terminations at the network element (Col 1 lines 11-16, tandem trails are having trail terminations, Col 2 line 64- Col 3 line 9, data must be extracted from the information frame in order for the system to process the data.)
6. Referring to claim 2, Hessler has further taught processing the extracted tandem connection monitoring information associated with the tandem connection trails in parallel (Col 2 line 64 – Col 3 line 2).
7. Referring to claim 3, Hessler has further taught wherein the tandem connection monitoring information associated with each of the tandem connection trails includes trail trace identification information (Col 4 lines 25-33).
8. Referring to claim 6, Hessler has further taught wherein the tandem connection monitoring information associated with each of the tandem connections trails includes status buts carrying information indicating upstream conditions (Col 4 lines 33-43).
9. Referring to claim 8, Hessler has further taught, wherein the frame includes a plurality of sub-fields each dedicated to carrying tandem connection monitoring information

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associated with a predetermined tandem connection monitoring trail (Col 1 lines 45-53, figures 7 and 8).

10. Referring to claims 10-12, claims 10-12 encompass the same scope of the invention as that of the claims 1-3, 6, 8. Therefore, claims 10-12 are rejected for the same reason as the claims 1-3, 6, 8.
11. Referring to claims 13-16, claims 13-16 encompass the same scope of the invention as that of the claims 1-3, 6, 8. Therefore, claims 13-16 are rejected for the same reason as the claims 1-3, 6, 8.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hessler in views of Vissers, US Patent Number 6,104,702, hereinafter Vissers.

Hessler has taught an invention as described in claims 1 and 3, and has taught wherein the trace information is broken up for transmission over a number of successive frames (see figure 2, multiple VC frames).

Hessler has not explicitly taught source access point identifier information identifying a source of the tandem connection monitoring information.

However, Vissers has taught the VC overhead block would contain so called "path trace bytes" which are used to transport an access point identifier which is unique in the network and identifies the source of the path (Col 1 lines 39-42.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the path trace bytes and access point identifier of Vissers in Hessler such that to have Hessler includes a source access point identifier information identifying a source of the tandem connection monitoring information, because both Hessler and Vissers has taught inventions related to VC frames in data transmission between nodes.

A person with ordinary skill in the art would have been motivated to make the modification to Hessler because having the access point identifier would enhance Hessler's system by identifying the source of the path as taught by Vissers (Col 1 lines 39-42.)

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hessler in view of Abbas et al., US Patent Number 6,577,594, hereinafter Abbas.

Hessler has taught an invention as described in claim 1, Hessler has not explicitly taught the tandem connection trails includes a Bit-Interleaved Parity-8 (BIP-8) code computed a the source of each of the tandem connection trails based on payload information in a previously sent frame.

However, Abbas has taught the use of BIP-8 code to be computed at the source based on the previously sent frame (Col 4 lines 6-29).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the BIP-8 code of Abbas in Hessler such that to have Hessler includes a BIP-8 code computed a the source of each of the tandem connection trails based on payload information in a previously send frame, because both Hessler and Abbas has taught inventions related to tandem connections monitoring with VC frames in data transmission between nodes.

A person with ordinary skill in the art would have been motivated to make the modification to Hessler because having BIP-8 code is one of the standards used in the tandem frames as taught by Abbas (Col 4 lines 6-29.)

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hessler. Hessler has taught an invention as described in claim 1, and Hessler has further taught there are multiple numbers of tandem connection monitoring terminations (Col 1 lines 31-38). And it is designer's choice to pick the a particular number of a range of numbers of the tandem connection monitoring terminations including the range of from two to six.

### *Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang   
January 26, 2005

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER